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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,204	08/23/2001	Makoto Katagishi	16869N-032600US	1190
20350	7590	02/24/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/938,204	KATAGISHI ET AL.	
	Examiner	Art Unit	
	Olisa Anwah	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 3,5,10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-9,12-18,21 and 22 is/are rejected.
- 7) ☐ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 6, 8, 12-16, 18, 21 and 22 are rejected under 35 U.S.C § 103(a) as being unpatentable over Wang et al, U.S. Patent Application Publication No. 2002/0168987 (hereinafter Wang) in view of Mardhekar et al, 5,528,558 (hereinafter Mardhekar).

Regarding claim 1, Wang discloses a cellular phone (113), comprising: a time acquisition unit configured to acquire local time of a receiving end (101) by receiving information related to the acquired local time for the receiving end from a cellular phone that is at the receiving end or a base station capable of registering the cellular phone that is at the receiving end (paragraph 0033).

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Wang fails to teach the claimed control and display units. Nonetheless, Mardhekar discloses these limitations (see unit 104 from Figure 8 and col. 4, lines 21-41). For this reason it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wang with the time of day microcontroller (104) discussed by Mardhekar. This modification would have improved the user friendliness of Wang by providing a cost effective international time indicating system using a single timepiece associated with the phone as suggested by Mardhekar (see column 1).

Regarding claim 6, see paragraph 0033 of Wang.

Regarding claim 8, see Figures 4 and 5 of Wang.

Regarding claim 12, see Figure 6 of Wang.

Regarding claim 13, Wang teaches a communication unit configured to perform call processing if a calling request is input after the display displays the acquired local time (see Figure 4). Wang fails to teach the display displays the acquired local time if the time zone of the local time for the receiving end differs from the time zone of a local time for the cellular phone. Nonetheless, Mardhekar discloses this (see unit 104 from Figure 8 and col. 4, lines 21-41). For this reason it would have

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been obvious to one of ordinary skill in the art at the time the invention was made to modify Wang with the time of day microcontroller (104) discussed by Mardhekar. This modification would have improved the user friendliness of Wang by providing a cost effective international time indicating system using a single timepiece associated with the phone as suggested by Mardhekar (see column 1).

Regarding claim 14, Wang discloses a method for operating a cellular phone for making a call comprising receiving in the cellular phone information related to local time of a receiving end from a cellular phone that is at the receiving end or a base station configured to register the cellular phone that is at the receiving end and acquiring in the cellular phone the local time for the receiving end based on the received information that includes time zone information for a time zone information for a time zone of the receiving end (paragraph 0033).

Wang fails to teach the claimed determining, informing and performing methods. Nonetheless, Mardhekar discloses these limitations (see col. 4, lines 21-41). For this reason it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wang with the time of day microcontroller (104) discussed by Mardhekar. This modification

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would have improved the user friendliness of Wang by providing a cost effective international time indicating system using a single timepiece associated with the phone as suggested by Mardhekar (see column 1).

Regarding claim 15, Figure 6 of Wang. Also see col. 4, lines 30-40 of Mardhekar.

Claim 16 is rejected for the same reasons as claim 14.

Regarding claim 18, see Figure 4 of Wang.

Regarding claim 21, see paragraph 0066 of Wang.

Regarding claim 22, see Figure 6 of Wang.

3. Claims 2, 4 and 7 are rejected under 35 U.S.C. § 103(a) as being anticipated by Rignell et al, U.S. Patent No. 5,818,920 (hereinafter Rignell) in view of Mardhekar.

Regarding claim 2, Rignell discloses a cellular phone, comprising a receiver configured to receive position information from a base station capable of registering the cellular phone that is at the receiving end; a time recognition unit configured to obtain the local time of the receiving end based on the received position information (see col. 6, line 60 to col. 7, line 65).

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Rignell fails to teach the claimed control and display units. Nonetheless, Mardhekar discloses these limitations (see col. 4, lines 21-41). For this reason it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rignell with the time of day microcontroller (104) discussed by Mardhekar. This modification would have improved the user friendliness of Rignell by providing a cost effective international time indicating system using a single timepiece associated with the phone as suggested by Mardhekar (see column 1).

Regarding claim 4, see Figure 3 and col. 6, line 60 to col. 7, line 65 of Rignell.

Regarding claim 7, see Figure 3 and col. 6, line 60 to col. 7, line 65 of Rignell.

4. Claim 9 is rejected under 35 U.S.C § 103(a) as being unpatentable over Wang combined with Mardhekar in further view of Sudo et al, U.S. Patent No. 6,223,058 (hereinafter Sudo).

Regarding claim 9, the combination of Wang and Mardhekar discloses the control unit performs a control function to display the local time of the receiving end on the display unit. However this combination fails to teach an operation unit

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configured to select a communication mode, wherein the control unit performs a control function to display a plurality of communication modes on the display unit and to set the communication mode for the mode selected by the control unit.

However Sudo discloses this limitation (see Figure 28).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wang and Mardhekar with an operation unit configured to select a communication mode, wherein the control unit performs a control function to display a plurality of communication modes on the display unit and to set the communication mode for the mode selected by the control unit as taught by Sudo. This modification would have improved system flexibility by allowing a user to select setting conditions suitable for the use environment as suggested by Sudo (column 15).

5. Claim 17 is rejected under 35 U.S.C. § 103(a) as being anticipated by Wang combined with Mardhekar in further view of Pepe et al, U.S. Patent No. 5,742,668 (hereinafter Pepe).

Regarding claim 17, the combination of Wang and Mardhekar discloses the claimed time acquisition and display units as explained in the rejection of claim 16. The Wang-Mardhekar combo

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also teaches an operation unit configured to perform a control function to display the local time of the receiving end (col. 4, lines 21-41 of Mardhekar). However this combination fails to teach the operation unit is configured to perform a control function to display a plurality of communication modes on the display unit, wherein the plurality of communication modes includes a mail mode, a message mode, a call mode, and a no-call mode, and wherein the operation unit is configured to set the communication mode selected by a user. Nonetheless, Pepe discloses this limitation (see Figures 23-30). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Wang and Mardhekar with the communication modes taught by Pepe. This modification would have improved versatility by allowing a mobile communications subscriber to send and receive messages between disparate networks, messaging systems and service providers as suggested by Pepe (column 5).

Allowable Subject Matter

6. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons For Allowance

7. Although the prior art of record teaches displaying a plurality of communication modes, the prior art of record does not teach the modes are displayed if the receiving end and the transmitting end are in different time zones.

Response to Amendment

8. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

OVIDIO ESCALANTE
PATENT EXAMINER

Olisa Anwah
Patent Examiner
February 16, 2005

Ovidio Escalante